

*City of Las Vegas*

**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: OCTOBER 25, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: VAR-24346 - APPLICANT/OWNER: JO WADE CORPORATION**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:

**Planning and Development**

1. Approval of and conformance to the Conditions of Approval for Rezoning (Z-0101-91), and Site Development Plan Review [Z-0101-91(1)] shall be required.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This request is for a Variance to allow a monument sign to be constructed 75 feet from an existing freestanding sign where 100 feet is the required minimum separation distance on 0.58 acres at 3862 West Sahara Avenue. The signs are located within a commercial subdivision.

The submitted site plan indicates a freestanding sign on the subject parcel. The proposed monument sign will be installed 75 feet to the east of the existing freestanding sign, at the southeast corner of the Sprint retail building. It will be set back five feet from the property line. Overall dimensions of the proposed sign are shown as seven feet ten and one half inches in height (three-foot tall base and four-foot nine-inch sign), and nine feet two and one-half inches in width. The sign face consists of 45 square feet. A sign at this location is not in compliance with the requirements for a monument sign in a C-1 (Limited Commercial) zone as stated in Title 19.14, where a minimum separation of 100 feet is required. Staff can not support this request, as it is a self imposed hardship.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
10/25/91	The City Council approved a Rezoning (Z-0101-91) on property located on the northwest corner of Sahara Avenue and Valley View Avenue.
10/14/93	The Planning Commission approved a Plot Plan Review [Z-0101-91(1)] for reconfigured buildings and parking along Sahara Ave.
11/02/05	The City Council denied a request for a Special Use Permit (SUP-8044) for a proposed 5,000 square-foot pawn shop at 3862 West Sahara Avenue.
<b><i>Related Building Permits/Business Licenses</i></b>	
10/01/96	Onsites (Permit 96395080 – Project Completed Date for Blockbuster Video)
09/12/06	Sign Tag 09271 issued (Permit 6005856)
12/08/06	Remodel for C of O - (Permit 6006678 - Project Completed Date for Sprint)
05/05/07	Sprint (T18-00748)
01/28/03	Food for Less (C05-00603, G05-00527, L15-00003)
02/05/07	Sugar Loaf Creations (C08-01731)
12/04/02	Telaleasing Enterprise (P35-00054 and P35-00555)
01/21/03	United Coin Machine (C20-01919)
<b><i>Pre-Application Meeting</i></b>	
07/25/07	The sign standards per Title 19 were discussed with applicant. Also advised applicant of submittal process and required documents.

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<b><i>Neighborhood Meeting</i></b>
A neighborhood meeting is not required for this application, nor was one held.

<b><i>Field Check</i></b>
09/18/07      There is signage on the upper portion of the building on front and sides.

<b><i>Details of Application Request</i></b>
<b><i>Site Area</i></b>
Net Acres      0.58

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Retail	SC (Service Commercial)	C-1 (Limited Commercial)
North	Retail	SC (Service Commercial)	C-1 (Limited Commercial)
South	ROW	ROW	Sahara Avenue
East	Retail	SC (Service Commercial)	C-1 (Limited Commercial)
West	Retail	SC (Service Commercial)	C-1 (Limited Commercial)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>		X	N/A
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>		X	
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## **DEVELOPMENT STANDARDS**

Minimum Distance Separation Requirements:

<b><i>Standard</i></b>	<b><i>Code Requirement</i></b>	<b><i>Provided</i></b>	<b><i>Compliance</i></b>
Monument Sign	Minimum separation of 100 feet.	75 feet	No

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<b>Monument Signs: Southeast Corner of Sprint Building on Sahara Boulevard</b>		
<b>Standards</b>	<b>Allowed</b>	<b>Provided</b>
Maximum Number	1 / 200 lineal feet of street frontage	1/75 foot Street frontage
Maximum Area	75 SF Per Sign	45 Square Feet
Maximum Height	10 Feet	7' 10 ½"
Minimum Setback	5 Feet	5 Feet
Illumination	Internal, External, Animated	Internal

## ANALYSIS

Located within a commercial subdivision on Sahara Avenue, the proposed monument sign is to be located 75 feet from a freestanding sign. The monument sign, approximately eight feet in height, is to be constructed on the southeast corner of the Sprint building at a distance of five feet from the property line. In the C-1 (Limited Commercial) zone, Title 19.14 allows all freestanding and monument signs on the same lot or in the same development with a minimum separation distance of 100 feet. Although the sign meets the requirements for setback, area and height it does not comply with the required distance separation. This section of Sahara Avenue is littered with signage and additional signage should only be approved when all requirements are met. This request is a self imposed hardship which cannot be supported by staff.

## FINDINGS

In accordance with the provisions of Title 19.18.070(B), the Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.18.070L states:

"Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

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No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by not meeting the distance separation required between a freestanding and a monument sign. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 16

**ASSEMBLY DISTRICT** 3

**SENATE DISTRICT** 11

**NOTICES MAILED** 483

**APPROVALS** 0

**PROTESTS** 1